

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ARIEL CASPER, an individual; and NATALIE)
DELUCIA, as natural parent and legal guardian)
of ALEXANDRIA ICKES, a minor,)

Plaintiffs,)

vs.)

CALIFORNIA STATE AUTOMOBILE)
ASSOCIATION, a California Corporation d/b/a)
AAA NEVADA INSURANCE COMPANY;)
DOES I through X, Inclusive; and ROE)
CORPORATIONS I through X, inclusive,)

Defendants.)

Case No.: 2:11-cv-00748-RLH-LRL

ORDER

(Motion to Strike #4)

Before the Court is Defendant AAA Norther California, Nevada, and Uta Insurance Exchange, formerly known as California State Automobile Association d/b/a AAA Nevada Insurance Company' **Motion to Strike** (#4, filed May 17, 2011) based on a paragraph of the complaint being immaterial and impertinent to Plaintiffs' allegations. Plaintiffs Ariel Casper, Natalie Delucia, and Alexandria Ickes did not respond.

If one party files a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), the party against whom that motion is filed must file points and authorities in opposition

1 to that motion within fourteen (14) days after the service of the motion. Local Rule 7-2(b). The
 2 failure of a party to file points and authorities in opposition to any motion constitutes a consent to
 3 the Court's grant of the motion. Local Rule 7-2(d).

4 Rule 7-2(d) of the Local Rules of Practice provides that failure to file points and
 5 authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v.*
 6 *United Venture Capital, Inc.*, 718 F. Supp. 828, 831 (D. Nev. 1989). It has been said these local
 7 rules, no less than the federal rules or acts of Congress, have the force of law. *United States v.*
 8 *Hvass*, 355 U.S. 570, 574–75 (1958); *se also Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v.*
 9 *Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The United States Supreme Court itself has upheld the
 10 dismissal of a matter for failure to respond under the local court rules. *Black Unity League of Ky.*
 11 *v. Miller*, 394 U.S. 100 (1969).

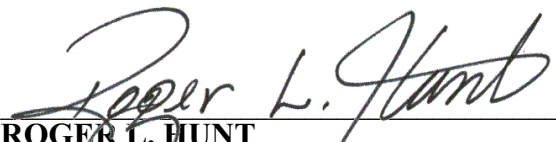
12 Pursuant to the Local Rules of this Court, any response to Defendants' Motion was
 13 to be filed and served within 14 days, or by June 3, 2011. Because no response or opposition to
 14 the Motion was filed pursuant to the Local Rules, the Court grants Defendants' motion. *Ghazali v.*
 15 *Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (failure to follow the district court's local rules is a proper
 16 ground for dismissal). Accordingly, the Court strikes paragraph 5 dealing with Doe and Roe
 17 defendants from Plaintiffs' complaint.

18 CONCLUSION

19 Accordingly, and for good cause appearing,

20 IT IS HEREBY ORDERED that Defendants' Motion to Strike (#4) is GRANTED
 21 and the Doe and Roe defendants are dismissed.

22 Dated: June 22, 2011.

23
 24 
 25 **ROGER L. HUNT**
 26 **United States District Judge**